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OFFICE OF PETITIONS

In re Application of
Williams et al.
Application No. 10/767,751
Filed: January 28, 2004
Attorney Docket No. AAT007-4C US

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: DECISION ON PETITION
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This is a decision on the PETITION filed August 17, 2004, requesting that the Office consider figures 16A as a part of the original application disclosure.

Application papers in the above-identified application were deposited on January 28, 2004. However, on August 5, 2004, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application," advising applicant that the application papers had been accorded a filing date; however, figure 16A described in the specification appeared to have been omitted from the application.

In response, applicants timely filed the instant petition (and petition fee). Applicants assert that the application as filed included 219 sheets of drawings, including figure 16A on page 60. In support thereof, applicants submit a copy of their return postcard from the USPTO. Applicants also supply a copy of the drawing sheet containing figure 16A.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's postcard receipt reveals that: 1) it was date stamped as received in the USPTO on January 28, 2004, and the items filed therewith were assigned Application No. 10/767,751; 2) it specifically identifies the items being filed, including "(d) Drawings (219 sheets)" and 3) it lacks any annotation of nonreceipt of any item denoted on the postcard. Thus, petitioner has shown that the items denoted, including the 219 sheets of drawings, were filed on January 28, 2004.

The sheets of drawings already considered received in the Office on January 28, 2004, were reviewed along with the drawing sheet containing figure 16A supplied on petition. These papers together constitute the item described on the postcard receipt as "219 sheets of drawings." It is concluded that petitioner has shown that figure 16A was among the items present in the

application on the date of deposit and should be included in the original application disclosure.

Accordingly, the petition is **GRANTED**.

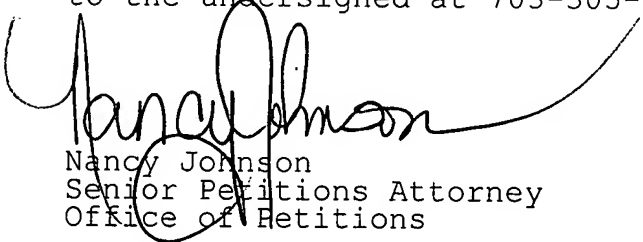
Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 50-2263, as authorized.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. OIPE is to:

- process this application **with a filing date of January 28, 2004** using the application papers received in the Office and presently accorded that date, and figure 16A re-supplied on petition filed August 17, 2004; and
- indication in Office records that 219 sheets of drawings were present in the application on filing (including figure 16A).

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to the undersigned at 703-305-0309.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions